



Department of Energy
National Nuclear Security Administration
Washington, DC 20585

February 16, 2001

OFFICE OF THE ADMINISTRATOR

The Honorable Edward J. Markey
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Markey:

Your letter of December 14, 2000, regarding a 10 CFR Part 810 authorization for Combustion Engineering Nuclear Power (CENP) in support of the 1994 U.S.-North Korean Agreed Framework has been forwarded to me for a response. Let me assure you that I fully share your concerns about the provision of sensitive nuclear technology to North Korea. I am well aware of the sensitivities and nonproliferation considerations that play into any decision involving nuclear technology transfer to North Korea. In fact, the Part 810 for CENP authorized in 1996 specifically rules out the transfer of technologies that would enable North Korea to manufacture or design reactor components or nuclear fuel. My view is that a new authorization, should it go forward, must incorporate precisely the same limitation.

As you note, the existing Part 810 authorization is due to expire in May 2001. We are currently reviewing a request by CENP to renew this authorization. This review includes consideration of conditions or limits that may be imposed to ensure that the technology transfer authorized is consistent with our nonproliferation and national security policies, and within the scope of the activities contemplated under the Agreed Framework. At this time, it is not possible to state precisely what technologies might be covered by a future Part 810 authorization, or how this might compare to the existing authorization.

Concerning your request for copies of CENP's quarterly reports, legal counsel has advised me that such reports are not publicly available because they contain business proprietary information.

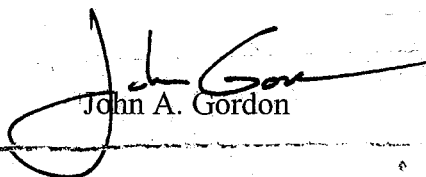
In response to another of your questions, the 10 CFR Part 810 regulations do not provide for a decision process open to public comment. This is because of the foreign policy and national security considerations that must be taken into account and the fact that Part 810 applications frequently contain business confidential or proprietary information or data. However, I can assure you that the Department stands ready to brief you and other members of Congress as the CENP application process moves forward. As you may know, representatives of the National Nuclear Security Administration/Office of Defense Nuclear Nonproliferation have already met several times with Congressional staff on this issue.



Printed with soy ink on recycled paper

I hope this response addresses your concerns. Should you have any additional questions, please do not hesitate to write or call.

Sincerely,



John A. Gordon
